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GUIDE TO INTERIM  
STUDY REPORTS OF THE 1981-1983  
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MONTANA LEGISLATIVE COUNCIL.

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Guide to intern study reports of the 19



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## PREFACE

The purpose of this pamphlet is to provide a quick reference guide to the reports that will be available as a result of interim committee work during the past two years. An order sheet is enclosed for your convenience.

The Legislative Council provides copies of reports to legislators upon request only. We want to avoid inundating you with unsolicited material. The order blank, a call, or a visit to the Council office is all that is required for you to receive a copy of a report as soon as it is available.

Most of the reports listed here are not printed yet. They will be printed between now and the beginning of the session and will be available during deliberations on recommended bills.

Your colleagues spent many hours of meetings, study, and travel developing these reports. We hope you find them of assistance in your duties as legislators.



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## JOINT SUBCOMMITTEE ON BUSINESS

Study Resolution: HJR 48

The Joint Subcommittee on Business was assigned to study how to improve the economic environment in Montana in light of recent bankruptcies, closures, and other economic setbacks resulting in mass unemployment. The Committee is to study the free enterprise concept as it applies to Montana, analyze the tax system and investment and loan programs as they relate to Montana business, develop guidelines for legislators, and suggest deregulation or regulation to improve Montana's economy.

### Conclusions and Recommendations:

1. The Montana Department of Commerce should be the lead agency in job recruitment.
2. The Department of Commerce should pinpoint recruitment efforts toward jobs capable of supporting heads of households.
3. The Department of Commerce should provide technical assistance to small business.
4. The Department of Commerce should seek a permanent funding source for recruitment and promotion activities.
5. The 1983 Legislature should adequately fund the Department of Commerce.
6. Advertising and promotion of Montana are appropriate activities of the State.
7. Greater cooperation between federal development agencies, the Montana Department of Commerce, local development corporations, and Chambers of Commerce should be encouraged.
8. The state of Montana should provide funding for university research aimed at creating jobs.
9. College level business courses should be expanded in the state's business centers.





10. The state of Montana should recognize that venture capital is one ingredient in job creation.
11. The Executive should consider the economic impact of legislation and of administrative rules.
12. Major legislation and administrative rules changes should be accompanied by economic impact summaries.
13. Based on economic analysis indicating relatively low loan-to-asset ratios and loan-to-deposit ratios in Montana banks, more long-term lending capital is needed in Montana to stimulate job creation.
14. Any additional State investment funds should be channeled through private sector entities.
15. An in-depth review of business taxation in Montana and the Rocky Mountain states should be conducted.
16. The Department of Natural Resources and Conservation should be required to delineate water rights on the Missouri River similar to what was done on the Yellowstone River.

Subcommittee Membership:

Rep. Les Kitselman	Sen. Bruce Crippen
Chairman	Sen. William Hafferman
Rep. Joe Quilici	Sen. George McCallum
Vice-Chairman	Sen. Thomas Towe
Rep. Helen O'Connell	
Rep. David O'Hara	

Staff:

Dave Bohyer, Researcher  
Greg Petesch, Attorney



## JOINT SUBCOMMITTEE ON EDUCATION

Study Resolution: HJR 34

The Joint Subcommittee on Education was assigned to study the school foundation program to determine if it meets constitutional muster. The Committee was directed to study ways to relieve pressure on local voted levies and the relationship between accreditation standards and funding.

### Conclusions and Recommendations:

The interim Joint Subcommittee on Education will recommend in its final report to the Forty-eighth Legislature the following legislation:

LC 29, an act to eliminate the permissive amount and the permissive levy allowed school districts and to increase the basic county equalization levies in support of the foundation programs of the elementary and high school districts; the basic county levy for elementary schools would increase from 25 mills to 34 mills and the basic county levy for high schools would increase from 15 mills to 21 mills, for a total of 55 mills to be levied in each Montana county.

LC 69, an act to create a guaranteed tax base program to promote more equitable financing of the voted area of school fund budgets.

### Subcommittee Membership:

Sen. Chet Blaylock  
Sen. Bob Brown  
Sen. Pat Regan  
Sen. Stan Stephens  
Chairman

Rep. Esther Bengtson  
Rep. Gene Donaldson  
Rep. Ralph Eudaily  
Rep. John Vincent

### Staff:

Andrea Merrill, Researcher  
Lee Heiman, Attorney



## JOINT SUBCOMMITTEE ON FISH AND GAME

Study Resolution: HJR 47

The Joint Subcommittee on Fish and Game was assigned to review the operation and management objectives of the Department of Fish, Wildlife and Parks, its Director, staff and specialists, and review that Department's land acquisition policies.

### Findings

The Subcommittee found:

1. That the operation and management objectives of the Department of Fish, Wildlife and Parks comply with the Montana Constitution and with statutory policy;
2. That the duties of the director are consistent with the need to maintain and improve the quality and cost effectiveness of department operations;
3. That no legislation is needed to change the director's duties to achieve more quality and effectiveness of department operations;
4. That the duties of department specialists provide for the orderly execution of department management objectives;
5. That the department's staffing policies ensure that needed management and administrative specialists are on staff;
6. That department specialists are working within the scope of the department's management objectives; and
7. That the department is making optimum use of the abilities of department specialists.

### Recommendations

The Subcommittee recommends:

1. That the department maintain a force of 95 game wardens;



2. That the department land acquisitions be concentrated in fishing accesses over the next biennium;
3. That available funds also be used for acquiring fish hatcheries;
4. That available funds be used for improving the state's fish hatcheries;
5. That changes be made in Title 87, chapter 4, part 1, MCA, regarding outfitters and outfitting to allow land owners to provide outfitting services on land they own or lease for consideration without being licensed, (see LC 170, Appendix A); and
6. That changes be made in 87-1-204, MCA, to clarify that department employees may appear before the legislature or any of its committees, (see LC 169, Appendix A).

Subcommittee Membership:

Sen. Harry Berg	Rep. Orval Ellison
Sen. Judy Jacobson	Rep. L. H. Nilson
Sen. Ed. Smith	Vice-Chairman
Chairman	Rep. Glenn Roush
Sen. Pete Storv	Rep. Chris Stpboe

Staff:

Dave Bohyer, Researcher  
John MacMaster, Attorney





## JOINT SUBCOMMITTEE ON HIGHWAYS

Study Resolution: HJR 56

The Joint Subcommittee on Highways was assigned to study the administration and operation of the Department of Highways, including the relationship between the Highway Commission and the Department, the accountability for decisions, and the flow of authority from the Commission to the Director and staff.

### Conclusions and Recommendations:

1. Re-enactment on a permanent basis of the 1-cent increment of the motor fuels taxes due to expire on July 1, 1983.
2. Allocation of \$10 million per year from the Coal Severance Tax revenue (not from portion reserved for the constitutional trust fund) to highways.
3. Allocation of one-half of the one percent raise in oil severance tax effective April 1, 1983, to the highway reconstruction trust account to raise about \$5 million per year.
4. Increase gasoline and diesel taxes by 3½ cents per gallon (in addition to the action in 1.) with the revenue from one-half cent of the increase to be allocated to cities and counties for roads and streets. This raise would produce total of about \$17.5 million per year of additional revenue.
5. Increase Gross Vehicle Weight fees by 35 percent to produce about \$4.3 million more per year.
6. Issuance of \$30 million worth of highway bonds in each of the fiscal years 1984, 1985, and 1986, on 10-year maturities.
7. Discontinue diversion of money from the highway earmarked account to fund the highway patrol and make about \$4.5 million per year available for highways.
8. Establish a fee in lieu of special fuels tax for vehicles under 8,000 pounds with windshield decal as evidence of payment. Special fuels include diesel fuel, liquid petroleum gas, compressed natural gas and electricity.



9. Reduction of number of highway financial districts from 12 to 5 to be congruent with highway commissioner districts, which conform closely with the administrative districts of the Department of Highways.
10. Empower the Highway Commission to establish priorities for construction and reconstruction and to select projects for contract.
11. Authorize allocation of one-half of Primary Highway System funds according to sufficiency ratings set by the Highway Commission and allocation of the other half according to the proportion of critical mileage determined on the basis of the Highway Commission's sufficiency ratings.

The report is available now.

Subcommittee Membership:

Rep. John Harp, Chairman	Sen. Lawrence Stimatz Vice-Chairman
Rep. Paul Kropp	Sen. Roger Elliott
Rep. Paul Pistoria	Sen. J. D. Lynch
Rep. Steve Waldron	Sen. Larry Tveit

Staff:

Paul Verdon, Researcher  
Greg Petesch, Attorney



## JOINT SUBCOMMITTEE ON HUMAN SERVICES

Study Resolutions: SJR 29 and HJR 20

Under SJR 29, the Joint Subcommittee on Human Services was assigned to study the treatment of youth in Montana's juvenile system, including overall financing, the Youth Court, community treatment, counseling, and services for emotionally disturbed and chemically dependent youth.

Under HJR 20, the Subcommittee was assigned to study the functions and staffing of the Department of Institutions to determine if services are adequate, meet statutory requirements, and are efficiently provided. The Committee was instructed to specifically study the efficiency and effectiveness of the Central Administrative Office of the Department.

### Conclusions and Recommendations:

1. No changes should be made in the definition of a "youth in need of services"; specifically the Youth Justice Council's proposal should be rejected.
2. Responsibility for funding and licensing of services to troubled youth should be clarified and simplified:
  - The Department of Social and Rehabilitation Services should be given responsibility for funding and licensing of residential services to troubled youth.
  - The responsibility for institutionalization should remain with the Department of Institutions.
  - Six-month commitments to the Department of Institutions should be eliminated and youth should be the responsibility of juvenile probation or SRS as appropriate.
  - The Subcommittee commissioned an evaluation of Department of Institution's management that is available to the members of the Legislature and is a part of the report.



Subcommittee Membership:

Rep. Kerry Keyser  
Chairman  
Rep. Francis Bardanouve  
Rep. R. Budd Gound  
Rep. Red Menahan

Sen. Bill Norman  
Vice-Chairman  
Sen. Joe Mazurek  
Sen. Jan Johnson-Wolf  
Sen. Jesse O'Hara

Staff:

Kathleen Harrington, Researcher  
Lee Heiman, Attorney





## JOINT SUBCOMMITTEE ON JUDICIARY

Study Resolutions: SJR 2 and SJR 30

Under SJR 2, the Joint Subcommittee on Judiciary was assigned to study restructuring Montana's judicial districts and establishing a statewide district attorney system and a statewide public defender system.

Under SJR 30, the Subcommittee was assigned to study delays in the criminal justice system caused by appellate relief.

The Subcommittee recommends as to appellate court delay:

1. An act providing that the Montana Supreme Court may, after initial review of the facts and law of a case decided by district court, by written order grant or deny an appeal on the merits of the case and requiring that appeals on the merits be heard in certain instances.
2. A joint resolution of the Senate and House of Representatives urging the Montana Supreme Court to review civil cases and to determine by written order which cases will or will not be heard on appeal.
3. An act permitting a county attorney to request the sentence review Division of the Montana Supreme Court to review a sentence in a criminal case.
4. An act prohibiting, except under certain circumstances, appellate review of alleged errors not objected to during a criminal trial.
5. An act requiring the appellant in a criminal appeal to order in writing a transcript of the trial court proceedings to be included in the record on appeal.
6. An act requiring the training coordinator for county attorneys to prepare and distribute a checklist of legal errors or objections.



The Subcommittee recommends as to district courts,  
indigent defense and prosecutorial services:

1. An act altering certain judicial district boundaries and changing the number of judges in certain districts.
2. An act disapproving that part of the supreme court rule on disqualification of judges that allows each adverse party in a civil case two substitutions of a judge and recommending that the court amend its rule to allow one substitution per party.
3. An act requiring the clerk of district court in certain multi-judge counties to provide for the random assignment of judges in civil and criminal cases.
4. An act revising the provisions for state grants to counties for district court assistance.
5. An act creating the position of public defense coordinator and providing for the coordinator's appointment, qualifications, removal, salary, staff, and duties.
6. An act requiring the state to contribute annually from the state general fund to each county employing one or more deputy county attorneys an amount equal to \$1 for each county resident.
7. An act providing longevity pay for county attorneys and their deputies.
8. An act providing for nonpartisan elections of county attorneys and sheriffs.
9. An act providing that the training coordinator for county attorneys may act as special counsel to a county.
10. An act permitting a defendant sentenced to death to be confined at the state prison at state expense pending execution.



Subcommittee Membership:

Sen. Gary Aklestad,  
Chairman  
Sen. Steve Brown  
Sen. Allen Kolstad  
Sen. Joseph Mazurek

Rep. Michael Keedy,  
Vice-Chairman  
Rep. Aaron Andreason  
Rep. Aubyn Curtiss  
Rep. Gerald Kessler

Staff:

Lois Menzies, Researcher  
David Niss, Attorney



## JOINT SUBCOMMITTEE ON TRANSPORTATION

Study Resolutions: HJR 33 and HJR 27

Under HJR 33, the Joint Subcommittee on Transportation was assigned to study all phases of the transportation industry in Montana, including the probable effect of deregulation.

Under HJR 27, the Subcommittee was assigned to study commercial transportation problems in Montana, including motor carriers, rail carriers, and air carriers.

### Conclusions and Recommendations:

1. The trend toward reduction of railroad lines and service should not be allowed to jeopardize the viability of that mode's role in the transportation scheme.
2. New and expanded sources of funding coupled with expenditure criteria answering needs rather than satisfying statutory formulas must be utilized to save Montana's highways and roads from deterioration.
3. Renewed federal assistance for airport facilities and navigational aids plus continuance of the Essential Air Service subsidies are vital to Montana's aviation industry.
4. Deregulation of intrastate motor carriers may not be advisable for Montana now. The state should monitor closely the progress of deregulation in other states to determine if revisions of the law are beneficial in the future.
5. Coal slurry pipelines do not appear to offer benefits to Montana in the present environment.
6. A policy on future high voltage power lines is needed to stimulate essential development within a framework of realistic energy need forecasts.
7. State participation in mass transportation programs may be necessary to provide essential people-moving vehicles.





Subcommittee Membership:

Rep. John Shontz,  
Chairman  
Rep. Verner Bertelsen  
Rep. Glenn Jacobsen  
Rep. Carl Seifert

Sen. Mark Etchart,  
Vice-Chairman  
Sen. Paul Boylan  
Sen. Gary Lee  
Sen. Dave Manning

Staff:

Paul Verdon, Researcher



## ADMINISTRATIVE CODE COMMITTEE

Statutory Citation: Title 5, chapter 14, MCA

The Administrative Code Committee was established in 1975 as a permanent joint committee to review all proposed rules and amendments filed with the Secretary of State under the Administrative Procedure Act (Title 2, chapter 4, MCA). The powers of the Committee are set forth in Part 4 of chapter 4, Title 2, MCA.

As of publication of this document, the final meeting had not been held and recommendations were not complete.

### Committee Membership:

Rep. Chris Stobie, Chairman	Sen. Lawrence Stimatz, Vice-Chairman
Rep. Fritz Daily	Sen. H. W. Hammond
Rep. Hal Harper	Sen. Pete Story
Rep. James Schultz	Sen. Bill Thomas

### Staff:

David Niss, Attorney



## COAL TAX OVERSIGHT SUBCOMMITTEE

Statutory Citation: Chapter 619, L. 1979, and  
Chapter 587, L. 1981

The Coal Tax Oversight Subcommittee of the Revenue Oversight Committee was established by Chapter 619, Laws of 1979, through the biennium ending June 30, 1981. The Subcommittee was continued to June 30, 1983 by Chapter 587, Laws of 1981. The Subcommittee reviews programs financed by coal severance tax funds and considers other matters relating to coal taxation. The Subcommittee reports and makes recommendations to the Revenue Oversight Committee; however, members of the Subcommittee are not members of the Revenue Oversight Committee.

### Recommendations:

1. Continue to emphasize the desirability of leaving intact the 50% allocation of coal severance tax collections to the Constitutional Trust Fund.
2. Allocate on a continuing basis to the state general fund 85% of the income generated by the Coal Severance Tax Constitutional Trust Fund.
3. Encourage legislative appropriation of coal severance tax revenue deposited in the state general fund for reconstruction of the state's highway system. The Committee prefers this approach to earmarking.
4. Allocate to postsecondary vocational-technical centers that portion of income (10%) that is being currently reinvested in the Educational Trust Fund. This is proposed to be done on a five-year trial basis.
5. Cap the Parks and Cultural Trust Fund at \$15 million. After the Trust fund reaches \$15 million, revenue would flow to the state general fund.
6. Allow Parks Trust Fund income to be used for maintenance and operation of all state parks but not for additional park acquisitions.



7. Eliminate earmarking of coal severance taxes for county land planning and alternative energy programs. This would be effective June 30, 1985.
8. Allow the Coal Board to make loans under limited circumstances and also allow the Board to carry over funds and interest earnings from year-to-year.
9. Eliminate designation of impact area status in Coal Board grant considerations.
10. Direct the Coal Tax Oversight Subcommittee to study the impacts of the Tenneco gasification plant in Montana and North Dakota and propose recommendations to the 49th Legislature.
11. Create a 16-member advisory committee to review cultural and aesthetic grants. The Committee's advice will be provided to the legislature for its consideration.
12. Create a permanent Coal Tax Oversight Subcommittee.

Subcommittee Membership:

Sen. Roger Elliott  
Sen. Dave Manning  
Vice-Chairman

Rep. Glenn Roush  
Rep. Cal Winslow  
Chairman

Staff:

Jim Oppedahl, Reseacher  
Cort Harrington, Attorney





## REVENUE OVERSIGHT COMMITTEE

Statutory Citation: Title 5, chapter 18, MCA

The Revenue Oversight Committee was created in 1979 to review proposed rules of the Department of Revenue and exercise legislative oversight over that Department. The Committee also investigates and reports on any other matters concerning taxation. During the 1981-83 biennium, the Committee will be investigating the property tax appraisal system.

Final recommendations will be available on or about January 10, 1983.

### Committee Membership:

Sen. Thomas Towe, Chairman	Rep. Jay Fabrega, Vice-Chairman
Sen. Bob Brown	Rep. Herb Huennekens
Sen. Jack Galt	Rep. Kenneth Nordtvedt
Sen. Bill Norman	Rep. John Shontz
Sen. Patrick Ryan	Rep. Robert Sivertsen
Sen. Jean Turnage	Rep. J. Melvin Williams

### Staff:

Jim Oppedahl, Researcher  
Cort Harrington, Attorney



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